

IN RE: PETITION FOR ZONING VARIANCE
E/S Oxford Road, 480' N of
Chumleigh Road
7113 Oxford Road
9th Election District
4th Councilmanic District
Dr. Steven McKnight, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3C.1 to permit a 5' 8" setback in lieu of the required 10 ft., in accordance with Petitioners' Exhibit 1.

The Petitioner, Dr. Steven McKnight, appeared, testified and was represented by J. Shawn Alcaresse, Esquire. There were no Protestants.

Testimony and evidence indicated that the subject property, known as 7113 Oxford Road, consists of .155 acres +/- zoned D.R.S.5 and is currently improved with a single family dwelling and accessory shed.

Proffered testimony indicated that the Petitioners are desirous of constructing the proposed 15 ft. x 24 ft. x 10 ft. high addition, as indicated on Petitioner's Exhibit No. 1. Testimony indicated that the Petitioner needs additional habitable space to accommodate his growing family. Testimony further indicated that locating the proposed addition on the opposite side of Petitioner's dwelling would require the removal of one of the largest black gum trees in Maryland.

The Petitioner testified that he is aware of no opposition from his neighbors regarding the proposed addition, and that if the requested relief were denied, he would suffer an undue hardship and practical difficulty.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of June, 1990 that the Petition for a Zoning Variance to permit a 5' 8" setback in lieu of the required 10 ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the subject addition to be converted to a second dwelling unit and/or apartment.

- 3) Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

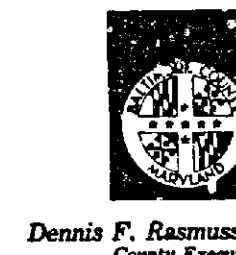
JRH/mm

cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 6/20/90
By J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 19, 1990



J. Shawn Alcaresse, Esquire
207 E. Redwood Street, Suite 700
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
Case No. 90-472-A

Dear Mr. Alcaresse:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel
cc: Dr. and Mrs. Steven McKnight
cc: 7113 Oxford Road
Baltimore, Maryland 21212

PETITION FOR ZONING VARIANCE #341

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-472-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C.1 to permit a setback of 5' 8" in lieu of 10'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. Size of property
 2. addition to and enhancement of existing structure presents hardship and practical difficulty without granting of variance

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Dr. Steven McKnight
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
J. Shawn Alcaresse
(Type or Print Name)
Signature
Address
City and State

7113 Oxford Road
Address
Baltimore, Maryland 21212
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

J. Shawn Alcaresse
Name
207 East Redwood Street Suite 700
Address
Baltimore, Maryland 21202
City and State
(301) 685-4558
Attorney's Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of June, 1990, at 2 o'clock P. M.

ESTIMATED LENGTH OF HEARING 1/2HR. + 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: J. Robert Haines
DATE: 6-20-90

DESCRIPTION OF THE PROPERTY KNOWN AS
7113 OXFORD ROAD
FOR ZONING VARIANCE

BEGINNING for the same on the east side of Oxford Road at the distance of 480 feet northerly from the corner formed by the intersection of the east side of Oxford Road and the north side of Chumleigh Road and running thence northerly north side of Chumleigh Road 135 feet thence bounding on the east side of Oxford Road 135 feet thence easterly parallel with Oxford Road 50 feet thence westerly southerly parallel with Oxford Road 135 feet to the place of parallel with Chumleigh Road 135 feet being known as 7113 beginning. The improvements thereon being known as 7113 Oxford Road, as recorded in Deed Liber 6776 folio 767, containing +/- 6488 square feet, more or less and located in the 9th. Election District. Recorded in Liber 7 folio 87.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 6/20/90
Posted for: Steven McKnight
Petitioner: Steven McKnight
Location of property: 7113 Oxford Rd., N.E. of Chumleigh Rd.
Location of Sign: 7113 Oxford Rd., N.E. of Chumleigh Rd.
Remarks: On property of Petitioner.
Posted by: J. Robert Haines
Number of Signs: 1
Date of return: 6/20/90

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 1940

3/30/90 H9000341
PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE (IRL) 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: MCKNIGHT

8 0031*****3500:SC308F
Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 10, 1990.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

CERTIFICATE OF PUBLICATION

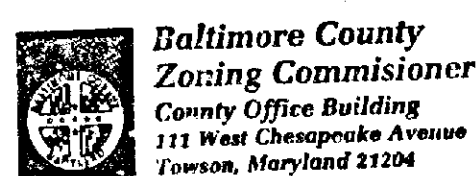
TOWSON, MD., May 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 10, 1990.

TOWSON TIMES,

S. Zeke Olson
Publisher

PO 104558



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

No 2677

90-472

119000/BBR

6/07/90
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 \$122.29
TOTAL: \$122.29
LAST NAME OF OWNER: MCKNIGHT

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 5-30-90



Dennis F. Rasmussen
County Executive

Dr. & Mrs. Steven McKnight
7113 Oxford Road
Baltimore, Maryland 21202
Re: Petition for Zoning Variance
CASE NUMBER: 90-472-A
5/5 Oxford Road, 480 ft. N of Chumleigh Road
7113 Oxford Road
9th Election District - 4th Councilmanic
Petitioner(s): Dr. Steven McKnight, et ux
HEARING: THURSDAY, JUNE 7, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$122.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs
cc: J. Shawn Alcaresse, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 26, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-472-A
5/5 Oxford Road, 480 ft. N of Chumleigh Road
7113 Oxford Road
9th Election District - 4th Councilmanic
Petitioner(s): Dr. Steven McKnight, et ux
HEARING: THURSDAY, JUNE 7, 1990 at 2:00 p.m.

Variance: To permit a side setback of 5 feet, 8 inches in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Dr. Steven McKnight, et ux
J. Shawn Alcaresse, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 29, 1990



Dennis F. Rasmussen
County Executive

J. Shawn Alcaresse, Esquire
207 East Redwood Street, Suite 700
Baltimore, MD 21202

RE: Item No. 341, Case No. 90-472-A
Petitioner: Steven McKnight, et ux
Petition for Zoning Variance

Dear Mr. Alcaresse:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Steven McKnight
7113 Oxford Road
Baltimore, MD 21202

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 18th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Steven McKnight, Esquire
Petitioner's Attorney: J. Shawn Alcaresse

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 19, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Dr. Steven McKnight, Item No. 341

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

APR 23 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lvw

RECEIVED
APR 16 1990
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

APRIL 6, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DR. STEVEN MCKNIGHT
Location: #7113 OXFORD ROAD
Item No.: 341 Zoning Agenda: APRIL 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Paul H. Reincke 4-9-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 17, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Item 350, 331, 334, 335, 337, 339, 340, 341.

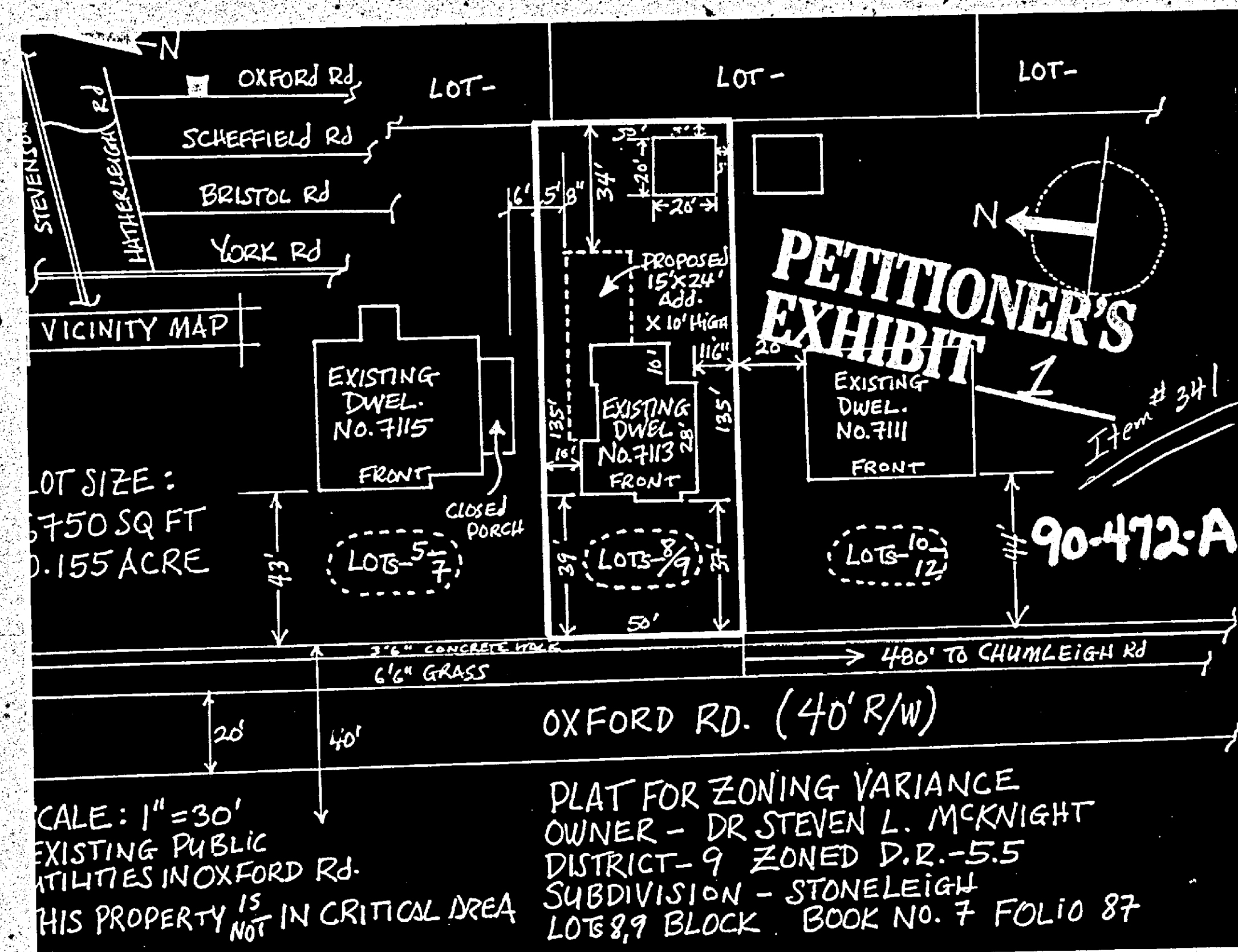
For Item 324, a County Review Group Plan may be required.

For Items 329 and 336 the previous County Review Group Comments still apply.

For Item 342, no comment on the variance request, however, the plat reference for Lot 5, Block B is SH 60, Folio 32.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



April 24, 1990

Hon. J. Robert Haines
Zoning Commissioner
Baltimore County Courts Bldg.
401 Bosley Ave.
Towson, MD 21204

Re: Application for Variance by
Mr. & Mrs. Stephen McKnight
7113 Oxford Rd. 21212

Dear Commissioner Haines:

We are neighbors of Mr. & Mrs. McKnight who have recently applied for a variance to build an addition to the rear of their home. This is to advise that we are in full support of the McKnight's application and are therefore in favor of its approval.

Thank you.

Sincerely,
William C. and Constance M. McDonnell
William C. and Constance M. McDonnell

cc: Mr. & Mrs. McKnight
Stoneleigh Community Association

PETITIONER'S EXHIBIT 2

90-472A

Stoneleigh Community Association, Inc.
Baltimore, Maryland 21212

March 1, 1990

Dr. and Mrs. Steven McKnight
7113 Oxford Road
Baltimore, Maryland 21212

Re: Addition and Improvement Design

Dear Dr. and Mrs. McKnight:

Following favorable recommendation from the Restrictions & Improvements Committee, we are pleased to inform you that the Stoneleigh Community Association Board of Governors has unanimously approved your submitted plan for improvements to your property.

We would like to thank you for your cooperation in complying with the restrictive covenants that help to ensure Stoneleigh remains a stable and attractive neighborhood.

Very truly yours,
Sharon Walker
Sharon Walker, President

By: Danny B. O'Connor
Improvement Committee

DBO/jlk

PETITIONER'S EXHIBIT 3

90-472A

